

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

EMERGENCY RESTORATION &
CLEANING, INC,

Plaintiff,

v.

EMERGENCY RESTORATION CO.,
INC. ET AL,

Defendant.

No. 2:22-cv-1981-CKD

ORDER TO SHOW CAUSE

Plaintiff filed the instant action on November 2, 2022, paid the filing fee, and was given a summons and initial scheduling order by the Clerk of Court.¹ (See ECF Nos. 1, 2, 3.) The scheduling order required plaintiff to serve defendant within 90 days, and by 10 days after, “shall file with the Clerk a certificate reflecting such service.” (See ECF No. 3 at ¶ 2.) This is also required by Rule 4 of the Federal Rules of Civil Procedure:

If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.


¹ This case was directly assigned to the undersigned pursuant to Appendix A, subsection m, of the Local Rules.

1 Fed. R. Civ. P. 4(m). Despite the deadline, the record does not reflect that plaintiff has attempted
2 service on defendants. Thus, plaintiff's complaint is on the verge of being dismissed.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. Within 14 days of this order, plaintiff shall file a statement with the court indicating
5 the status of service, or any good cause reasons why defendants have not been served
6 pursuant to Federal Rule of Civil Procedure 4; and
7 2. Failure to respond to this order, or failure to show good cause for the lack of service of
8 process, will result in dismissal of plaintiff's case without prejudice.

9 Dated: February 24, 2023

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11 CAROLYN K. DELANEY
12 UNITED STATES MAGISTRATE JUDGE
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